

REMARKS

These remarks are responsive to the Office Action of October 15, 2007. Claims 37-43, 45, and 46 are pending in this application. Claim 37 has been amended. Reconsideration and allowance of the instant application are respectfully requested. Each of the Examiner's rejections is addressed below.

In the Office Action, claims 37-43 and 45-46 were rejected under 35 U.S.C. 103(a) over U.S. Patent No. 5,689,850 to Shekalim ("Shekalim") in view of U.S. Patent No. 5,28,786 to Porat, et al. ("Porat"). This rejection is respectfully traversed.

The combination of Shekalim and Porat fails to disclose or make obvious the recited inventive toothbrush of independent claim 37.

In particular, neither Shekalim nor Porat, teaches or discloses a plurality of third cleaning/treating elements disposed between the first and second cleaning/treating elements, wherein each of said plurality of third cleaning/treating elements extends from one of a plurality of support structures having at least a portion that is **rotatably movable relative to the cleaning head about a vertical axis extending upwardly from said one of a plurality of support structures, the vertical axis extending substantially perpendicular to a longitudinal axis of the handle** and wherein each of said plurality of third cleaning/treating elements is movable independent of any other third cleaning/treating element as recited in claim 37.

As acknowledged in the Office Action, Shekalim has no cleaning/treating elements having characteristics that differ from other cleaning/treating elements.

In considering Porat, the Office Action points to FIGS. 3a, 3b and 4 regarding the movement of the cleaning elements. As seen in Fig. 4 of Porat, bristle array 58 rocks about a longitudinal axis of the handle, e.g., about hinge 61, not about a vertical axis that extends substantially perpendicular to such a longitudinal axis.

Thus, Porat fails to disclose or make obvious the required plurality of third cleaning/treating elements that extends from one of a plurality of support structures having at least a portion that is rotatably movable relative to the cleaning head about a vertical axis extending upwardly from said one of a plurality of support structures, with

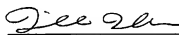
the vertical axis extending substantially perpendicular to a longitudinal axis of the handle, as recited in independent claim 37. Accordingly, the rejection is improper and should be withdrawn.

CONCLUSION

It is respectfully submitted that this application is in condition for allowance. If any additional fees are required or if an overpayment has been made, the Commissioner is authorized to charge or credit Deposit Account No. 03-2455.

Respectfully submitted,
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